REMARKS

35 U.S.C. § 102 Claim Rejections

The Examiner has rejected claims 1, 6-8 and 14 as being anticipated under 35 U.S.C. § 102(b) by Blair (U.S. Patent No. 3,208,612). Applicant has carefully considered the Examiner's comments. However, Applicant respectfully submits that Blair does not disclose the limitations of Applicant's claims.

Claim 1 requires a "tine further extending along a length of two large bales thereby supporting a weight of said two bales and permitting said tractor to move said two bales from place to place." Claim 14 requires "two tines are adapted to support two large bales oriented in tandem with one of said two large bales behind another of said two large bales." Paragraph [0002] of the specification describes large bales as distinguished from small bales as follows:

> Baling machines are available for making bales in a number of sizes and shapes, but bales are generally characterized as either small bales or large bales. The most typical small bale is rectangular in shape and usually weighs between 50 and 100 pounds. The small size of these bales makes it possible to move the bales by hand although some mechanized handlers are available that enable a number of small bales to be moved all at once. Large bales, however, are distinguished from small bales by their significantly larger size. Large bales are typically not intended to be moved by hand, and instead, are intended to be moved either singly or in small groups by mechanized equipment. Although large bales come in several shapes and sizes, the most common large bale is about 5.5 to 6 feet round and about 5 feet long (i.e., the bale is actually cylindrical in shape). These bales can vary significantly in weight depending on the type of crop material baled and the exact size of the bale. However, the typical weight of a large bale ranges between about 800 to 3,000 pounds. Another common large bale shape is rectangular. Large rectangular bales typically measure about 3 foot by 8 foot and weigh about the same as large round bales.

The Examiner states in paragraph 1.1 that Blair discloses "a tine extending along the length of two large bales." This statement however is incorrect. Blair describes the bales that its apparatus is designed to handle at col. 1, lines 16-22 as follows:

> Heretofore, a pick-up machine together with hand labor was usually required in conjunction with a wagon to pick up the bales in the field and transport same to a location where the stack was formed. Then,

> additional machinery and considerable hand labor was required for unloading the wagon and stacking the bales in proper relationship.

Thus, it is clear that the bales disclosed in Blair are small bales, not large bales. This is further confirmed in the figures of Blair by comparing the relative size of the bales to the tractor. As explained in Applicant's specification, one of the distinguishing differences between small bales and large bales is that small bales can be moved by hand. Blair's description that the disclosed bales may be picked up, unloaded and stacked by hand clearly demonstrates that Blair's bales are small bales, not large bales.

Claims 1 and 14 are limited to a large bale handler for handling "two large bales." Blair does not disclose this. Thus, independent claims 1 and 14 are allowable. Blair also does not disclose the additional limitations of claims 6-8. Claims 6-8 depend from claim 1, and thus, include all of the limitations of claim 1. Because claim 1 is allowable, claims 6-8 are also allowable, and any further arguments that could be made at this time would be superfluous and are unnecessary.

Because the prior art of record does not disclose all of the limitations of claims 1, 6-8 and 14, the Examiner may now withdraw the § 102 rejections.

35 U.S.C. § 103 Claim Rejections

The Examiner has rejected claims 2-5, 11, 12 and 15-21 as being unpatentable under 35 U.S.C. § 103(a) by Blair in view of Vansickle (U.S. Patent No. 4,194,863).

With respect to claims 2 and 16, the Examiner states in paragraphs 1.1 and 1.8 that "Vansickle teaches bales being 4 to 6 feet in length" and that "[i]t would have been obvious to one of ordinary skill in the art to modify the tine of Blair to accommodate the standard size bales of Vansickle by extending more than 6.5 feet in length in order to accommodate two four-foot-long bales." The Examiner's argument however ignores the actual structure disclosed in Vansickle.

Applicant agrees that, unlike Blair, Vansickle describes handling large bales. At col. 1, lines 6-14 (which the Examiner cites), Vansickle states the following:

> In recent years the use of large diameter hay bales has increased in popularity among farmers in the United States and other countries. These large diameter bales of hay are cylindrical and typically about 4 to 6 feet in length and 4 to 6 feet in diameter, and may weigh 600 to 4,000 pounds. Such bales of hay obviously cannot be manually handled, and

> therefore, it is helpful if a means is provided for transporting the large bales of hay from one area to another.

Vansickle's description of large bales and its distinction between large and small bales corresponds to Applicant's description recited above. Thus, like Applicant's specification, Vansickle describes large bales. Vansickle's description of large bales also underscores Applicant's argument above that Blair only describes small bales. First, Vansickle confirms that large bales cannot be handled manually like small bales as described in Blair. Second, Vansickle notes that large bales were increasing in popularity at the time that Vansickle filed his application. However, the Vansickle application was filed in 1978 compared to the Blair application, which was filed in 1963. The 15 year difference between Vansickle and Blair further confirms that Blair was describing older small bales and not the more recent large bales which existed when Vansickle filed his application.

Despite the fact that Vansickle describes large bales, the Examiner's inference that it would have been obvious to extend Vansickle's tine more than 6.5 feet ignores the apparatus actually described in Vansickle. In Figure 2, Vansickle shows a single large bale being lifted, and the tines do not even extend the length or width of a single bale. The end of the tine in Figure 2 extends only slightly passed the middle of the bale. Thus, the tine is clearly shorter than 6.5 feet. There is no disclosure in Vansickle of extending the tines along a length of two large bales or more than 6.5 feet. Vansickle's apparatus only lifts one large bale, not two. Moreover, it is clear that the tine actually disclosed is less than 6.5 feet long.

Accordingly, independent claim 16 is allowable. Furthermore, Blair, Vansickle and Sutton (U.S. Patent No. 3,829,128) do not disclose the additional limitations of claims 2-5, 9-13, 15 and 17-21. All of these claims depend from claims 1, 14 or 16, and thus, include all of the limitations of the respective independent claims. Because claims 1, 14 and 16 are allowable, claims 2-5, 9-13, 15 and 17-21 are also allowable, and any further arguments that could be made at this time would be superfluous and are unnecessary.

Because the prior art of record does not disclose all of the limitations of claims 2-5, 9-13 and 15-21, the Examiner may now withdraw the § 103 rejections.

Conclusion

None of the prior art of record discloses all of the limitations of Applicant's claims. In particular, none of the prior art of record discloses a tine for handling two large bales or a tine that extends more than 6.5 feet. Thus, Applicant's claims are allowable. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,

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